

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
)	
vs.)	Case No. 05-0105-02-CR-W-FJG
)	
Hernandez D. Green,)	
)	
)	

ORDER

Pending before the Court is the issue of defendant's competency. On April 29, 2005, defendant filed a motion for determination of competency (Doc. #62). The United States also filed a motion for determination of competency and sanity (Doc. #64, filed May 2, 2005). Thereafter, on August 10, 2005, Chief Magistrate John T. Maughmer held a hearing regarding defendant's competency at which time the parties stipulated to a report prepared by Jason V. Dana, Ph.D. That report concluded that defendant does not appear to suffer from any severe mental disease or defect, and that he appears to be appropriate for continuation of judicial proceedings.

Chief Magistrate Maughmer issued a report and recommendation (Doc. #88), filed August 16, 2005, finding that defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assist in his own defense.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 9, 2005
Kansas City, Missouri